

## The Decision

After the hearing, the ALJ will send you a written Initial Order within two weeks of the hearing telling you the decision and explaining the result.

## What if You Still Disagree?

If you disagree with OAH's Initial Order, you can file a Petition for Review with our agency's Commissioner. Your Petition for Review must be in writing and must be postmarked and mailed to our Agency Records Center within 30 days of the date on OAH's Initial Order.

**Your Petition for Review must include:**

- The docket number from OAH's Initial Order
- The reason(s) you disagree with OAH's Initial Order
- Your name and Social Security number
- Your current address
- Your signature
- If your Petition for Review is late, the reasons it is late

Your Petition for Review, including attachments, cannot be more than five pages. Additional pages will be returned to you and will not be considered by the Review Judge. Mail your Petition for Review to:

Agency Records Center  
PO Box 9046  
Olympia Washington 98507-9046

Your Petition for Review may be dismissed as improperly filed if it is mailed to any other address or sent by fax.

A Review Judge (not the ALJ who conducted your hearing) will review the case. Only OAH's Initial Order and the evidence from your hearing (the hearing tape and exhibits) will be reviewed. You will not be asked to testify and no new evidence will be considered.

To request a copy of the tape of your hearing before you file your Petition for Review, call the Agency Records Center at 360.753.5134. Your request for a copy of the hearing tape will not extend the 30-day filing deadline.

## Limited English Skills

If you need an interpreter, tell us in your appeal letter the language you (or your witness) speak best. An interpreter will be provided at the appeal hearing at no cost to you.

## Find Legal Help

You have the right to have someone assist you at your hearing. If you need advice and cannot afford an attorney, contact:

### Unemployment Law Project

206.441.9178 or 1.888.441.9178 (toll free)

[www.unemploymentlawproject.org](http://www.unemploymentlawproject.org)

1904 Third Avenue, Suite 604, Seattle, WA 98101

### Northwest Justice Project

206.464.1519 or 1.888.201.1014 (toll free)

[www.nwjustice.org](http://www.nwjustice.org)

### Access to Justice

[www.wsba.org/atj](http://www.wsba.org/atj)

### Washington Law Help

[www.washingtonlawhelp.org](http://www.washingtonlawhelp.org)

These services are offered to you free of charge.

**The Employment Security Department provides this brochure to help you file an appeal. If you have questions, call the TeleCenter.**

The Employment Security Department is an equal opportunity employer and provider of programs and services. Auxiliary aids and services are available upon request to persons with disabilities. Auxiliary aids may include qualified interpreters and telecommunication devices (TTY) for hearing or speech impaired individuals. Individuals with limited English proficiency may request interpretive services free of charge to the customer in order to conduct business with the department.

EMS 10319 . CC 7540-032-833 . Rev 05/05 . UI-jsk-appeal-EN

# Information for Unemployed Workers

## How to File an Appeal



## Note to Employers

This brochure is primarily for claimants who applied for unemployment benefits. However, information regarding the procedures for filing an appeal will generally apply to you. You may appeal any decision regarding a claimant's separation from employment if you are their last employer or a base year employer. You may appeal other decisions you disagree with if you provided the department with relevant information regarding eligibility for a specific week. You may also appeal the denial of a request for relief of benefit charges to your account, or the denial of your request to approve or extend standby status for your workers. For more information, see page 17 of the Tax Handbook or call your District Tax Office.

## When do I File an Appeal?

If you disagree with a decision made by the Employment Security Department about your unemployment benefits, you have the right to appeal that decision. For example, you may disagree with:

- A final decision about your benefit amount (your final Statement of Wages and Hours)
- A written decision (nonmonetary determination) to deny or reduce your benefits
- A decision to disapprove your training application
- The reason for an overpayment
- The amount of the overpayment
- The finding that you were at fault in causing the overpayment
- The denial of your request to waive repayment of overpaid benefits

Note: Your employer also has the right to appeal our decisions.

Department staff cannot help you develop your letter of appeal due to a potential conflict of interest. When

necessary, staff will remain available to help fill out paperwork for those with disabilities or limited English skills.

**Continue to  
file your weekly  
claims throughout  
the appeal process.**

## How do I File an Appeal?

Your appeal must be in writing and postmarked or faxed to the address or fax number listed on the written decision within 30 days of the date we mailed it to you.

Your letter must include:

- The decision that you want to appeal
- The reason(s) you disagree with our decision
- Your name and Social Security number
- Your current address and telephone number
- Your signature
- If your appeal is late, the reasons it is late

If you do not respond within 30 days, you may lose your appeal rights. Once we receive your letter, it will be filed with the Office of Administrative Hearings (OAH). If your appeal was filed on time, we will not attempt to collect on an overpayment. If the appeal is filed late, our efforts to recover benefit overpayments will continue.

**If you change your mailing address after filing your appeal, notify OAH immediately.**

## How do I Prepare for My Hearing?

**Review Your File:** You have the right to a copy of your claim file. When the appeal is filed, the TeleCenter will forward the appeal and relevant documents in your claim file to OAH. When OAH schedules your hearing, they will send copies of these documents to you. The documents may contain your statement, your employer's statement, witness statements, and decisions by our staff. It is important for you to review the documents to prepare for your hearing.

Usually you cannot receive unemployment benefits if you quit your job without good cause. You may be able to receive benefits if you were fired and there was no misconduct involved. Your employer may have told us that you quit, but you think you were fired. A careful review of all information in your file will give you a good idea of what your employer might say at the hearing and you will be better prepared.

**Review Employer Records:** Your employer is required by law to keep records that show your hours of work and the reason you left your job. You have the right to inspect your personnel record.

These records may be helpful in proving your case. For example, your employer may claim you were fired for being absent from work too much. Ask the employer for these records. If the employer denies your request, the brochure mailed from OAH with your hearing notice will explain how to get a subpoena for the records.

## Continue Filing Weekly Claims

You must continue to file weekly claims throughout the appeals process. If you win your appeal, you will only be paid for weeks you continued to claim. If you lose your appeal, you may have to repay certain benefits received. If you are unable to file your weekly claims online or by phone, call the TeleCenter for assistance.

## What Happens Next?

OAH, a separate state agency, conducts appeal hearings. An Administrative Law Judge (ALJ) will be scheduled to hear your case. A Hearing Notice will be mailed to you showing the date and time of your hearing along with a brochure describing how to prepare for the hearing process.

Most hearings are conducted by telephone. During the hearing, all testimony is given under oath. Your witnesses should have first-hand knowledge of the details of the case.